

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL NO. 4:07-CR-0422</b>
	:	
<b>v.</b>	:	<b>(Judge Conner)</b>
	:	
<b>ALBERT LEO BERRETTINI, JR.,</b>	:	
<b>and MARY ANN BERRETTINI,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 28th day of September, 2010, upon consideration of the correspondence sent to the court via facsimile,<sup>1</sup> and it appearing that defendants contend that various miscarriages of justice occurred, and that the court should declare a mistrial, and that the indictment should be dismissed, and that the court lacks jurisdiction over the above-captioned case, and the court noting that it has already rejected defendants' jurisdictional challenges,<sup>2</sup> motions to dismiss the

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<sup>1</sup> On September 22, 2010, defendants sent twelve documents to the court, including a motion for a mistrial, a document entitled "Judicial Notice of Defendant(s) Reservation of their Rights," numerous motions or "petitions" to dismiss the indictment, a request addressed to the Clerk of Court to dismiss the above-captioned case, and two memoranda of law.

<sup>2</sup> Defendants have challenged the court's subject matter jurisdiction on numerous prior occasions, and each challenge has been unsuccessful. (See Docs. 38, 64, 75, 93, 198 at 15-16, 198 at 19-20, 306, 331 at 82-83, 355). The court affirms its prior rulings described above and reiterates that its exercise of jurisdiction over the above-captioned case is proper. See 18 U.S.C. § 3231 ("The district courts of the United States shall have original jurisdiction, exclusive of the courts of the States, of all offenses against the laws of the United States.").

indictment, and motions seeking a new trial,<sup>3</sup> and the court finding no basis to reconsider its past conclusions that defendants' arguments on these issues lack merit, and the court concluding that defendants have failed to establish entitlement to any of the relief that they seek, it is hereby ORDERED that defendants' requests, motions, and petitions are DENIED for reasons previously stated, and on the basis that they are untimely, and on the basis that they are frivolous.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge

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<sup>3</sup> Defendant Albert Leo Berrettini filed a motion to dismiss the indictment (Doc. 350) and a motion to dismiss for lack of territorial jurisdiction (Doc. 352). In addition, both defendants filed a motion for acquittal, for arrest of judgment, or for a new trial (Doc. 351), and they sought an order declaring a mistrial (Doc. 354). These motions were denied by a court order dated March 25, 2010. (Doc. 355). Defendants subsequently filed another motion seeking declaration of a mistrial, or dismissal, (Doc. 366), which was denied by the court on May 11, 2010, (Doc. 370). The court affirms these prior rulings.